

## **ACKNOWLEDGMENTS**

1. The Examiner acknowledges receipt of the amendment filed 2/24/10 wherein claims 1 and 8 were amended and claims 6, 10, and 14-16 were canceled.

## **EXAMINER'S AMENDMENT**

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with M. Caragh Noone on 5/19/10.

The application has been amended as follows.

### **Replace claim 7 with the following.**

7. (currently amended) The MNRI detectable species of claim 1 wherein the spacer S, if present, is a homo- or hetero-bifunctional linker where the two reactive moieties are separated by alkylidene, alkenylidene, alkynylidene, cycloalkylidene arylidene, or aralkylidene radical that is optionally substituted and is optionally interrupted by heteroatoms.

### **Replace claim 8 with the following.**

8. (currently amended) The MRI detectable species of claim 7, wherein the reactive moieties are selected from -OR, -SR, -NRR<sub>1</sub>, -COOR, -CONRR<sub>1</sub> wherein R and R<sub>1</sub> are hydrogen atoms, or an aliphatic, straight or a branched chain that is optionally interrupted by -O-, -S-, -CO-, -NR-, -CS-, or by aromatic rings.

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**Replace claim 9 with the following.**

9. (currently amended) A process for the preparation of the MRI detectable species of claim 1, said process comprising:

either conjugating the spacer, S, if present, with the nutrient or pseudo-nutrient molecule N and the MRI detectable moiety D;

or conjugating the MRI detectable moiety D with the spacer S, if present, and the nutrient or pseudo-nutrient molecule N.

**Cancel claim 11.**

**Cancel claim 12.**

**Replace claim 17 with the following.**

17. (currently amended) A method of imaging organs, tissues, or combinations thereof comprising administering a composition comprising the MRI detectable species of any one of claims 1 to 5 and imaging the organs, tissues, or combinations thereof using nuclear magnetic resonance.

**ALLOWABLE CLAIMS**

3. Claims 1-5, 7-9, 17, and 18 are allowable over the prior art of record. In particular, the claims are distinguished over the prior art because the prior art neither anticipates nor renders obvious a MRI detectable species as set forth in independent claim 1.

## REJOINING OF THE CLAIMS

4. Independent claim 1 is directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 9, 17, and 18, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 7/1/08 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

## COMMENTS/NOTES

5. The Examiner thanks the Applicant for the information regarding the English equivalents of the non-English documents listed on the information disclosure statement filed 11/12/2009. A signed copy is attached to this office action.

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6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D L. Jones whose telephone number is (571)272-0617. The examiner can normally be reached on Mon.-Fri., 6:45 a.m. - 3:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D L. Jones/  
Primary Examiner  
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May 24, 2010